

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF PETER A. MILLER, ESQUIRE FOR
APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Now comes Peter A. Miller, who respectfully files this application for appointment as a member of the Digitek Products Liability Litigation Plaintiffs' Steering Committee.

Mr. Miller is thoroughly dedicated to these proceedings and is available to commit his time to this project. Further, he has already invested significant time and energy into this litigation. His firm, The Miller Firm LLC, has, and will continue to invest significant resources into this legal action.

Mr. Miller is currently a partner at The Miller Firm LLC, a ten lawyer firm, where the entire firm deals exclusively with product liability, pharmaceutical litigation and medical malpractice litigation. Mr. Miller is a Special Assistant Attorney General for the State of Montana concerning litigation which has been brought in the pharmaceutical arena. Mr. Miller has been actively involved in all aspects of this complex litigation but he has particularly utilized his in depth knowledge and experience with electronic discovery and the move toward the paperless arena.

In addition, Mr. Miller has been appointed by the Honorable Jack B. Weinstein, as the Qualified Settlement Fund Administrator for the processing and settlement of over 900 Zyprexa claims involved in MDL 1596. During the Zyprexa litigation, Mr. Miller was

heavily involved in discovery, specifically document review, where he became well versed with Concordance software and worked with several attorneys during the review of millions of documents, helping to bring this multi faceted, complex litigation to settlement. Mr. Miller's vast experience as a mass tort settlement administrator in both FenPhen and Zyprexa, has been a spring board for him to become well versed in many issues that Digitek will face should a settlement be reached. Those issues include, but are not limited to, liens, Medicaid/Medicare issues, Bankruptcies, Special Needs Trusts and Estate issues. All of which, Mr. Miller has experience with. Currently, Mr. Miller sits on the case specific discovery committee for the Avandia MDL in which The Miller Firm LLC represents over 1,700 Plaintiffs.

Mr. Miller's past experience with multi-district drug litigations began with MDL 1203 in Re diet drug products liability litigation. Mr. Miller conducted several depositions of prescribing and treating doctors for the lead trial group and was heavily involved in the initial trials that led to a 9-figure settlement for the firms over 5,000 FenPhen claims. Mr. Miller has also represented clients in the following MDLs:

MDL No. 1657	<u>In Re Vioxx Products Liability Litigation.</u>
MDL No. 1742	<u>In Re Ortho Evra Products Liability Litigation.</u>
MDL No. 1905	<u>In Re Medtronic Sprint Fidelis Leads Product Liability Litigation.</u>
MDL No. 1871	<u>In Re Avandia Marketing, Sales Practices and Products Liability Litigation.</u>

Currently, Mr. Miller represents approximately 180 individuals concerning Digitek injuries. He has no other MDL commitments other than the Avandia work described above and the final steps to complete the Zyprexa settlement under the title of Qualified Settlement Fund Administrator.

Mr. Miller prides himself on being a team player dating back to his years as a Navy pilot. His aviation experience will allow him to use the firm aircraft to appear in

person at the drop of a hat in Charleston, West Virginia, or any location the Plaintiffs' Steering Committee feels that it is important to meet. I hope this application is favorably considered by this Honorable Court.

WHEREFORE, Peter A. Miller, respectfully requests appointment to the Plaintiffs' Steering Committee.

Respectfully Submitted,

/s/ Pete Miller

Peter A. Miller, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2008, a true copy of the foregoing Application of Peter A. Miller for Appointment to the Plaintiffs' Steering Committee was electronically filed with the Clerk of the Court and transmitted to all registered counsel of record through the Court's CM/ECF System.

/s/ Pete Miller

Peter A. Miller, Esquire